

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In re Applications of	)	
	)	
AE CELLULAR PARTNERS	)	
	)	
For an Authorization to Provide	)	
Domestic Public Cellular Radio	)	
Telephone Service in an Unserved Area in the	)	
following Metropolitan Statistical Area (MSA) or	)	
Rural Service Area (RSA):	)	
	)	
Los Angeles, California	)	8008-PL-002B-93
San Francisco, California	)	8052-PL-007B-93
Minneapolis-St. Paul, Minnesota/Wisconsin	)	8013-PL-015A-93
Denver, Colorado	)	8019-PL-019B-93
Seattle-Everett, Washington	)	8047-PL-020B-93
Kansas City, Missouri/Kansas	)	8001-PL-024B-93
Phoenix, Arizona	)	8027-PL-026B-93
Idaho 3 – Lemhi	)	8025-PL-390A-93
Minnesota 4 – Lake	)	8006-PL-485A-93
Montana 3 – Phillips	)	8017-PL-525A-93
Tennessee 9 – Johnson	)	8036-PL-650A-93
Salt Lake City – Ogden, Utah	)	8062-PL-039B-93
Oklahoma City, Oklahoma	)	8064-PL-045B-93
Fresno, California	)	8075-PL-074B-93
Tucson, Arizona	)	8079-PL-077B-93
Albuquerque, New Mexico	)	8084-PL-086B-93
	)	
	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted:** February 25, 2000

**Released:** February 28, 2000

By the Chief, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau:

1. On May 19, 1993, AE Cellular Partners (AE) filed a Petition for Reconsideration (Petition) of the actions of the Office of Managing Director (OMD). OMD had returned as defective, several applications to participate in the Cellular licensing lotteries, because the requisite filing fees were paid with checks dated more than one year prior to the filing date. AE seeks to have its applications reinstated claiming that it had no notice of any policy regarding stale checks.

2. As a result of the Balanced Budget Act of 1997, the Commission no longer has authority to conduct lotteries as a means of awarding licenses.<sup>1</sup> As such, the relief sought by AE is unavailable. We need not therefore make a determination as to the propriety of OMD's actions, and dismiss AE's petition as moot.

3. Accordingly, IT IS ORDERED that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 USC § 154(i), and section 0.331 of the Commission's Rules, 47 CFR § 0.331, the above captioned Petition for Reconsideration filed by AE Cellular Partners IS DISMISSED as MOOT.

FEDERAL COMMUNICATIONS COMMISSION

Paul D'Ari, Chief  
Policy and Rules Branch  
Commercial Wireless Division  
Wireless Telecommunications Bureau

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<sup>1</sup> Pub. L. No. 105-33, 111 Stat. 251 (1997) (Balanced Budget Act)